

United States District Court
Eastern District of California

United States of America,

Plaintiff, No. 02-479 GEB

vs.

Victor Boral Tollestrup, Detention Order (Violation of

Pretrial Release, Probation or

Supervised Release)

Defendant.

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X After a hearing pursuant to 18 U.S.C. § 3148
(violation of pretrial release order), the court
finds:

There is probable cause to believe the person
has committed a federal, state or local crime
while on release and the defendant has not
rebutted the presumption that his release will
endanger another or the community or

There is clear and convincing evidence that
the defendant has violated another condition
of release and

based on the factors set forth in 18 U.S.C. §
3142 (g) there is no condition or combination
of conditions of release that will assure that
the defendant will not flee or pose a danger

1 to the safety of another person or the
2 community or

3 x the person is unlikely to abide by any
4 condition or combination of conditions of
5 release. F.R.Cr.P. 32.1(a)(D), 46(c), 18
6 U.S.C. § 3148.

7 _____
8 Pursuant to F.R.Cr.P.32.1(a) and 46(c) and 18
9 U.S.C. § 3143 (violation of probation or supervised
10 release) the court finds defendant has not met his
11 burden of establishing by clear and convincing
12 evidence that he will not flee or pose a danger to
13 another person or to the community.

14 IT IS ORDERED that pursuant to 18 U.S.C. § 3142(I)(2)(4)
15 defendant is committed to the custody of the Attorney General for
16 confinement in a corrections facility separate, to the extent
17 practicable, from persons awaiting or serving sentences or being
18 held in custody pending appeal. The defendant shall be afforded
19 reasonable opportunity for private consultation with his counsel.
20 Upon further order of a court of the United States or request of an
21 attorney for the United States the person in charge of the
22 corrections facility in which defendant si confined shall deliver
23 defendant to a United States Marshal for the purpose of an
24 appearance in connection with a court proceeding.

25 Dated: June 27, 2005.

26 _____
27 /s/ Peter A. Nowinski
28 Peter A. Nowinski
29 Magistrate Judge